

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

DAOUD ABUDIAB,)	
)	
Plaintiff,)	
)	
v.)	NO. 1:08-0018
)	Judge Trauger/Bryant
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

TO: The Honorable Aleta A. Trauger

REPORT AND RECOMMENDATION

Defendant, United States of America, has filed its motion to dismiss on the grounds that the complaint is now moot, because defendant has granted the plaintiff's application for naturalization. (Docket Entry No. 7). Plaintiff has responded that he does not oppose the defendant's motion to dismiss. (Docket Entry No. 9).

This motion has previously been referred to the undersigned Magistrate Judge for report and recommendation. (Docket Entry No. 3).

From the record, it appears that the United States now has approved the plaintiff's application for naturalization, and, therefore, there no longer exists any issue or controversy between the parties. Accordingly, the undersigned Magistrate Judge finds that the complaint has been rendered moot and should be dismissed.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that the defendant's motion to dismiss pursuant to Rule 12(h)(3), Federal Rules of Civil Procedure, be **GRANTED**, and that the complaint be **DISMISSED** with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 30th day of June 2008.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge